

THE  
GAME  
OF

# WORK

an engaging orientation  
for support brokers  
working with  
self-direct  
participants



a pac training  
production



# Welcome!

and thank you for agreeing to play. We hope that your new game will provide hours of educational enjoyment.

As a support broker, you hold a key to the success of "self-direct with employment authority" participants. In that sense, we recognize that it's not a game, but a critical role in another person's life. That's why this training is so important.

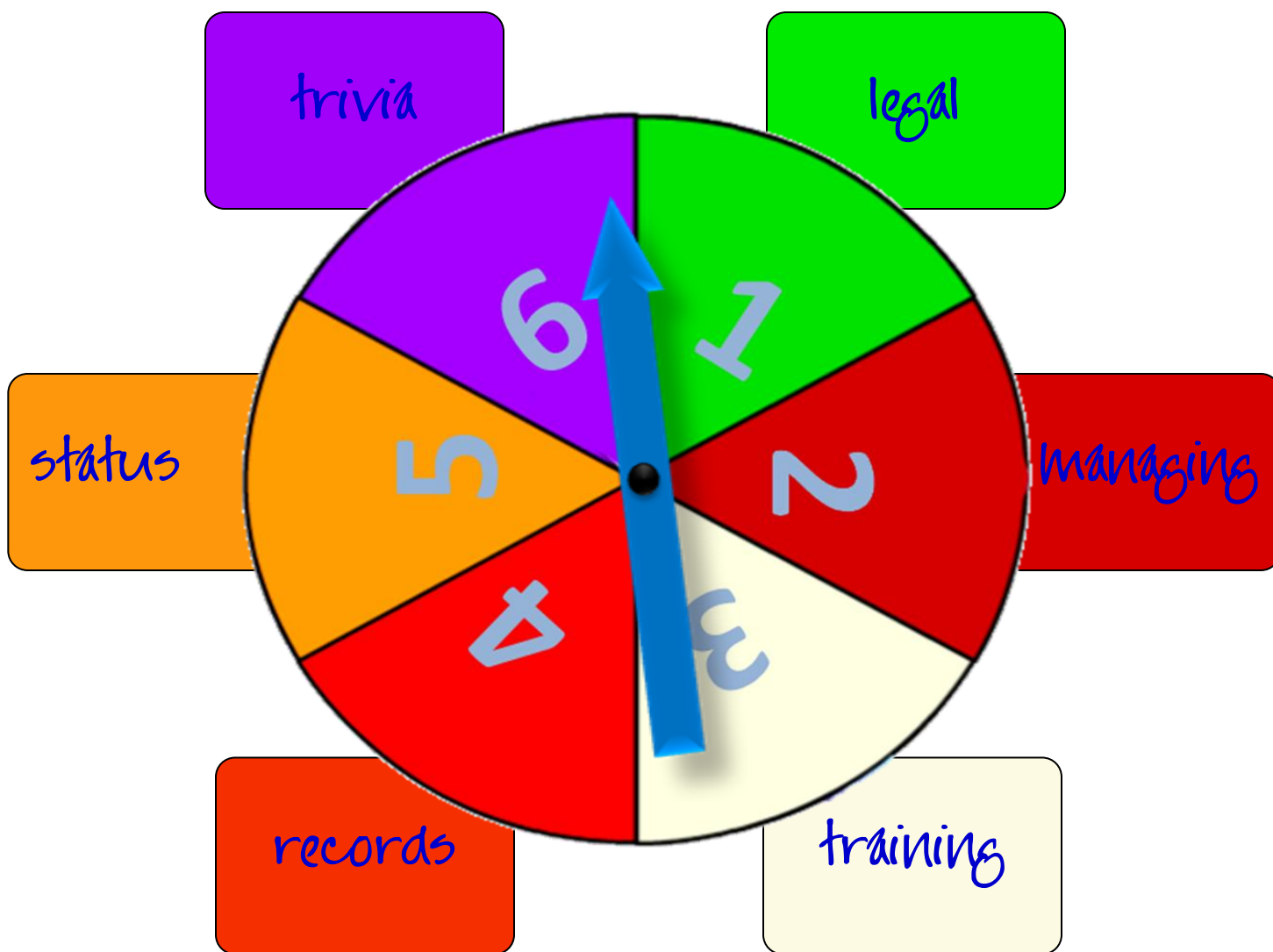
But we can have some fun, too.

**Support Broker** *A person who helps the participant or authorized representative obtain and manage self-direct services and supports. Except in specific cases, the participant and family need to obtain the services of a Support Broker. The Developmental Disabilities Program certifies each Support Broker, who has distinct duties separate from those of the case manager. Support Brokers provide only as much service as the planning team agrees on.*



"And should there be a sudden loss of consciousness during this meeting, oxygen masks will drop from the ceiling."

KNOW  
THE  
RULES



# KNOW THE RULES

## legal issues

The main legal issue for participants as employers is this – to avoid unlawful discrimination.

Now, we all discriminate every day. It's a necessary activity. When you choose a TV show to watch or decide which movie to go to, you're discriminating. Employers have to discriminate when hiring people, assigning work, and evaluating the results. Discrimination means looking at the facts, applying judgment, and deciding what to do. The only thing the law says is that certain factors can't be the basis for employment decisions. These factors are the **protected classes** under state and federal law.

We'll stick with Montana law to list the protected classes –

- race
- color
- national origin
- religion
- age
- marital status
- mental or physical disability
- gender - the law says "sex," and it refers only to gender – not sexual orientation or gender identity. However, state policies ban discriminating on sexual orientation.

The **second** type of illegal discrimination is "adverse impact." Here, an employment practice seems neutral, but it affects a protected class and excludes a person or group. The adverse impact might be intentional or unintentional. If a participant wants an employee to have "10 years of experience," it would rule out younger people, even though 10 years isn't a reasonable requirement.

The **third** type of illegal discrimination is probably the most frequent – "harassment." Here, behavior on the job focuses on a protected class. That behavior interferes with doing the work or creates an intimidating, hostile, or offensive work environment. One category is sexual harassment, which could mean asking for or demanding sexual activity. It can also mean sexual jokes, comments, pictures, questions, unwelcome touching, and so on. It's important to advise participants that this behavior is bad and can cause big problems.

It's also important to realize that jokes, comments, and other behavior about other protected areas can cause big problems. It doesn't matter whether it's about race, religion, gender, disability, national origin, age, or marital status – it's just not allowed.

### Three types of illegal discrimination

The **first** of these is "disparate treatment." You might call this the most "direct" form of discrimination, when an employer bases an important job decision on a protected class. If a participant doesn't want to hire a qualified (and legal) worker because she's from Canada, that's discriminating on national origin. If it's because she's Catholic, that's discriminating on religion. You get the picture.

It's also important to know this – if an employee complains about any form of discrimination and suffers for it, that can also be illegal. It's called **retaliation**, including things like a cut in work hours, a cut in pay, even getting fired.

# KNOW THE RULES

## legal issues

What are the “protected classes”?

What are the three types of discrimination?

What’s it called if an employee suffers for complaining about discrimination?

What’s probably to most common type of discrimination?

Is harassment only about sex? If not, what else counts?

Look at these situations. Are they OK or Not OK?

- |   |   |     |        |
|---|---|-----|--------|
| 1 | In a job interview, an employer asks for “date of birth.”   | OK  | not OK |
| 2 | The interviewer asks an applicant with severe allergies whether she would be able to do the cleaning job with a reasonable accommodation. | YES | not OK |
| 3 | A job application form asks whether the person is legally eligible to work in this country.   | YES | not OK |
| 4 | An employer fires an Indian employee for “excessive absence,” but other employees with similar missed days are still working.             | YES | not OK |
| 5 | A participant kiddingly refers to an older employees as “Grandma” as she goes about her work.   | YES | not OK |
| 6 | In his home where an employee works, a participant has a Playboy calendar on his living room wall.  | OK  | not OK |
| 7 | A participant refuses to hire a person he thinks is lesbian.  | YES | not OK |
| 8 | When an employer finds out her employee is Mormon, she kids him a lot about it.   | YES | not OK |
| 9 | A participant opens the door for an employee coming to work, then brushes against her body as she comes in.                               | YES | not OK |



## managing the work

### Here are the participant's management responsibilities ...

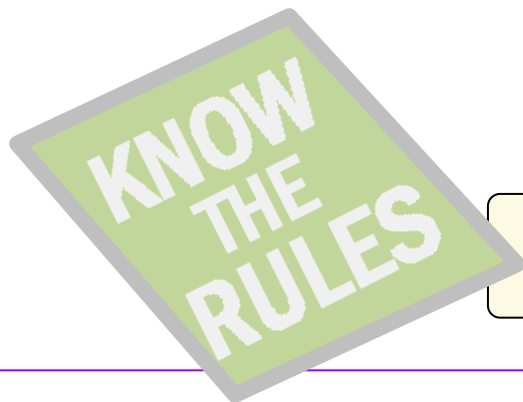
- recruit, hire, train, manage, and if necessary, discharge employees.
- wait until the fiscal agent clears potential employees for hire before allowing them to do any work.
- set a mutually agreeable work schedule for employees. The participant will be personally responsible for any employee wages or supports that exceed the hours approved in the approved Plan of Care or service specifications.
- write up a list of tasks for employees to do. The tasks must match up with the specifications for the service that they are providing and with the participant's approved Plan of Care.
- meet all staffing needs.
- have a workable back-up plan in place in case an employee doesn't show up for work.
- inform the fiscal agent right away if an employee gets hurt on the job.
- inform the fiscal agent if the participant discharges an employee.

**What's a key document that guides employees' work schedule and work tasks?**

**What if an employee doesn't show up for work?**

**Who needs to approve any hiring before work begins?**

**Who needs to know if an employee has an on-the-job injury or gets fired?**



## training

### Training is an important part of successful employment

In the case of self-direct participants who hire employees, training applies to both participants and employees.

- the participant has to take part in training required by the Developmental Disabilities Program.
- the participant must ensure that employees maintain their current training requirements. A copy of the current training requirements must be on file with the fiscal agent in order for the employee to be paid.

What areas of training do you think self-direct *participants* need?

Check all topics that are required for *employees* of self-direct participants ...

- ☐ first aid certification
- ☐ English composition
- ☐ safety at home and in the community
- ☐ individual rights and choice
- ☐ stress management
- ☐ time management
- ☐ maltreatment of vulnerable adults and children
- ☐ documentation and confidentiality of documentation

Where will employees get nearly all the required training?



## records

Good records and documentation are important to succeeding as a self-direct with employment authority participant. Here are the activities that participants will need to do:

- complete all employer-related paperwork and duties related to timesheets and payroll.
- review payroll reports upon receipt to make sure they're accurate. If not accurate, report the differences to the fiscal agent.
- ensure that employees complete the required records, such as progress notes (service) and timesheets (employee).
- maintain all service records and employee records listed in the Employer Handbook, "Record Keeping Requirements."

**What are the two categories of records?**

**What if a payroll report isn't correct?**

**What's one type of service record that employees will complete?**

**Name three of the four elements in record-keeping requirements.**

The **record-keeping requirements** describe "service" records and "employee" records. The participant must keep these categories separate and secure.

The requirements also talk about these four elements:

- access – enabling federal, state, and local agencies to inspect and evaluate records.
- retention – setting a five-year period for keeping employee records, an eight-year period for keeping service records
- maintenance – keeping active records accessible and storing inactive records securely
- confidentiality –releasing employee information only with written permission of the employee



*status*

To keep participating in “self-direct with employment authority,” all participants have to do these things:

1. follow the parameters, or limits, set in their approved Plan of Care.
2. maintain their Medicaid eligibility, if currently eligible.

**Who develops the Plan of Care?**

**What role might a Support Broker have with the Plan of Care?**

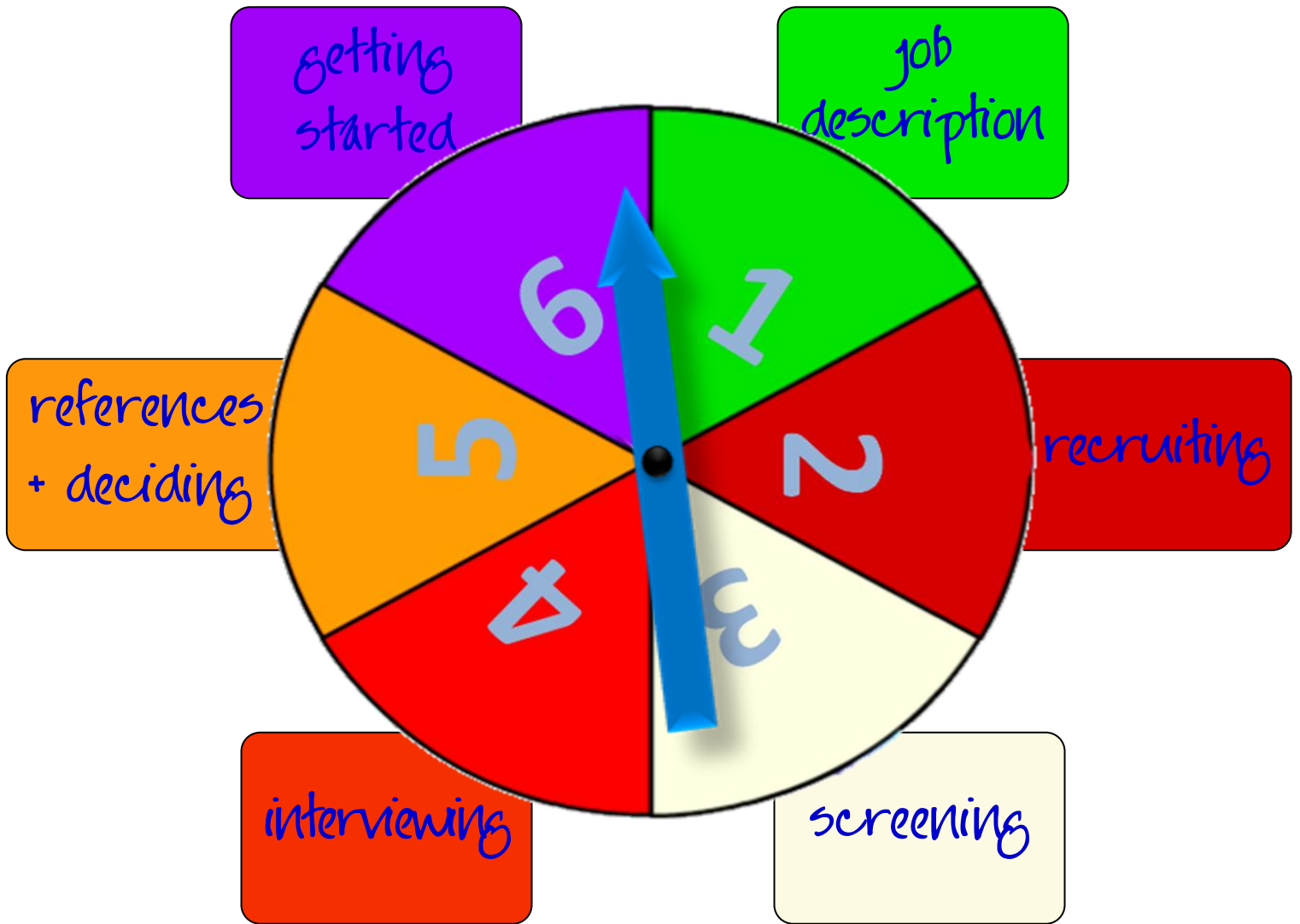
**What could be a serious problem affecting Medicaid eligibility?**



## trivia

1. To be eligible for Self-Direct with Employer Authority, a participant must be ...
  - a. receiving Medicaid-waiver funded services through the Development Disabilities Program
  - b. living in his or her natural home or private residence
  - c. certain that the choice of service, support workers, and schedule of delivery won't adversely affect another participant receiving waiver services
  - d. all of the above
2. Which of these activities would a Support Broker NOT be responsible for?
  - a. practical skills training in hiring, arranging schedules, training, managing and terminating workers, problem solving, and conflict resolution
  - b. developing and periodically revising the Plan of Care, specifying goals and actions, ensuring active participation of the participant and others
  - c. helping develop an emergency back-up plan
  - d. recognizing and reporting of critical events, abuse, or neglect
  - e. helping manage the participant's individual budget
3. CMS means ...
  - a. Case Management Services
  - b. Conflict Mediation School
  - c. Centers for Medicare and Medicaid Services
  - d. Critical Means Support
  - e. Custer's Mustard Stand
4. True or false?
  - a. true
  - b. false
  - c. none of the above

# HOW TO HIRE



# HOW TO HIRE

## job description

Before any employer can fill a job, it needs to be clear what the job is. That's where a job description comes in. The Support Broker can play a big role in explaining why job descriptions are important and helping the participant write them.

Here's why it's important to have a job description ...

- the participant, as employer, identifies exactly what supports he or she needs from the employee
- the job description can help in developing interview questions for applicants
- it gives applicants a clear idea of what the position requires
- after the employee has been hired, it can serve as a checklist of duties
- it provides the basis for evaluating performance
- it helps the employer know what is and what isn't okay to ask the employee to do
- it can help settle disagreements between the employer and the employee about the duties of the job
- it helps keep the lines of communication open

### A good job description does these things ...

- gives a simple title of the job
- describes the essential duties and tasks, including days and times for the employee to report to work
- describes the physical working conditions and environment
- describes the qualifications an employee needs

### A couple other factors ...

- each job description must be consistent with the participant's Plan of Care and the service descriptions to meet the participant's needs.
- a participant may pay employees only for supports approved in the participant's Plan of Care.
- services not meeting the waiver categories under the Plan of Care won't be paid under the waiver. This could mean out-of-pocket expense to the participant.

**And remember the first rule of a good job description – keep it simple and clear!**

**Think of a job that a participant might hire for. Write one of the main duties and a few associated tasks ...**

# HOW TO HIRE

## recruiting

Having a job to fill is fine, but the participant needs to get the word out. You can help choose which ways to advertise the job. There are lots of possibilities. Keep in mind that many people these days search for job prospects on-line.

- Local Newsletters – Sometimes disability and other community organizations and churches will run short ads in their newsletters, usually for free.
- Local College (including two-year college) – Colleges can be an excellent source for finding employees. Many students are looking for extra income to help them through college. Students majoring in areas of health and human services are often looking for work experience. Contact the career placement office or the student services office on campus.
- Word of Mouth – Don't forget to ask family, friends, neighbors, and other participants if they know of anyone who would make a good employee for the participant. Let them know the qualifications for the job, and ask them to tell others about the position, too.
- Local Agencies – social service organizations often keep a list of direct-service workers who've received some basic training or have work experience.
- Bulletin Boards – post notices on bulletin boards in high traffic areas, such as grocery stores, apartment buildings, community centers, and churches.
- Job Service – get the information to Job Service; they can be very helpful in referring applicants to the participant.
- Rehabilitation Agencies – often overlooked, these agencies are looking for job opportunities for their clients.
- Classified ads in newspapers – might not be very useful for the cost; look for small, local weeklies if you want to place an ad.

### Information to put in a job announcement

Keep it simple, but be sure it has enough information to get qualified applicants.

- job title
- short description of the job
- phone number to call – it's helpful to list the best time to call

The participant might include these items, too ...

- hours
- pay
- qualifications
- general location (it's not a good idea to give the participant's address or full name)
- a deadline date to call and apply

**Think of your community. What's probably the best way to get the word out about a job opening?**

**In less than 20 words, write only the first sentence of an ad for a supports employee.**

# HOW TO HIRE

## screening

Screening means gathering some information from applicants before deciding who to interview. Applicants will respond to ads by calling the participant. So, it would be great for the participant to have copies of a “screening form” on hand to help get information. This page should include ...

- a brief description to read to callers – duties of the job, amount of hours required, and the amount and method of pay, and any benefits.
- is the applicant at least 18 years old?
- a couple questions about the applicant’s experience – has he or she ever assisted or worked for a person with a disability before? If so, what tasks did the applicant perform?
- a couple questions about the applicant’s availability – how many hours available? Any days the applicant definitely can’t work?
- does the applicant have reliable transportation?
- any tasks the applicant objects to doing, such as bathing, toileting, or dressing?
- any experience in lifting, transferring, and positioning? (If the participant needs help with these activities)
- can the applicant cook and would he or she mind doing housework?

### Helpful tip for the support broker ...

Give your participant some practice at screening. Call him or her up as if you were applying for the job. Provide realistic answers to the questions, even ask some hard questions about the job. This “role play” can help the participant gain practice and confidence.

### The participant should NOT ask about

- the applicant’s exact age
- whether the applicant is married, widowed, divorced – whatever
- the applicant’s children and child care
- where the applicant was born
- religion
- gender
- sexual preference

**What are the most important things to find out about during screening?**

**Why do this? Why not interview everybody?**

**Anything left off the green list at left?**



## interviewing

When the participant is done screening applicants, you should ask whether they want to interview some of them. Sometimes, the information gathered over the phone is enough.

### Things to cover in an interview

Help the participant come up with a standard set of about eight questions to ask in an interview. There's no need to repeat questions already asked during screening – you want more specific information.

The questions should address past work history, reasons for leaving other jobs, past experience with personal assistance, and why the applicant is interested in this job.

Give a copy of the job description and to explain the duties and responsibilities of the job thoroughly. Ask if the applicant can safely perform the functions of the job.

Ask if the participant may contact former employers for a job reference.

Plan what the participant will tell the applicant about his or her disability and need for support.

Ask for identification – a valid Montana driver's license or state ID card.

Ask the applicant fill out an application – you can get generic forms from Job Service. Applications simplify record keeping and provide easy, quick access to information.

Describe the work schedule, pay method, and other aspects of the job.

Ask whether the applicant has any questions.

Thank all applicants for their interest and their time.

Most often, choosing an employee means having a face-to-face interview. It's a chance for both participant and applicant to "size each other up," as well as get more information.

You can help design a simple interview to do this. You might ask the participant to invite a family member or friend to sit in on the interviews. This helps when comparing applicants and deciding who to hire.

Finally, it's probably best for the applicant's safety to hold interviews away from home. A public place, like a coffee shop or the case manager's office, will work fine.

Once again, a helpful tip is to "role play" an interview with the participant.

The interview should NOT ask about

- race • color • national origin
- religion • age • marital status
- ethnicity • children or child care
- specific mental or physical disability
- military record • legal actions
- worker's comp claims • arrests

Write two simple and good interview questions.

The interviewer may ask about sexual orientation – true or false?

# HOW TO HIRE

## references and deciding

Checking references is essential. It will give the participant valuable information about the applicant. Statistics show that people who have held three or more jobs in the last five years may not stay long in this one.

Be sure to check both work and personal references. The employer can ask about these areas, but a previous employer is not legally required to give the information:

- Did the applicant work for the employer? When?
- What kind of work did he or she do for the employer?
- Why did the applicant leave?
- Did he or she come to work on time? How was his or her attendance?
- What were the applicant's strengths? Areas to improve?
- Is the applicant eligible to work for the employer again?

**Remember – the participant may not hire any applicant until the fiscal agent has cleared the decision.**

**Once the participant has told the fiscal agent about the choice for an employee, the fiscal agent has four days to get back to the participant.**

### Following through on the decision, the participant should ...

- contact the chosen applicant to see if he or she's still interested in the job
- have the chosen applicant complete the Start-Up Packet
- set a starting date for work – no earlier than the date the fiscal agent clears the hire
- call other applicants to let them know of the decision, but wait until the fiscal agent clears the hire. If the first choice doesn't clear, one of the other applicants might be great for the job.

### The decision on who to hire ...

- this is often a tough choice.
- advise the participant to review all the information and give it careful thought.
- consider how applicants answered in interviews – not only what they said, but how they said it.
- consider information from references.
- ask the participant about his or her comfort level with each applicant.
- encourage the applicant to talk it over with you, with the case manager, with family members.

**Are there any problems with checking references? What might they be?**

# HOW TO HIRE

## getting started

Most people want to do a good job – they just need to know what that is. That's why it's important for the participant and employee to get off to a good start, right from day one.

Here are things for the participant to cover right away with the employee ...

- summarize many of the things discussed during the job interview – go over the job description again
- review the authorized tasks that the employee will be doing
- show the employee where necessary supplies are kept and how the participant would like things done
- go over the employee's work schedule so that both are clear on what days the employee will be coming and how many hours the employee will work each day
- go over the procedure for completing timesheets and progress notes
- give the employee all of the information that needed for the best care and protection in an emergency

### A good start involves understanding and agreement ...

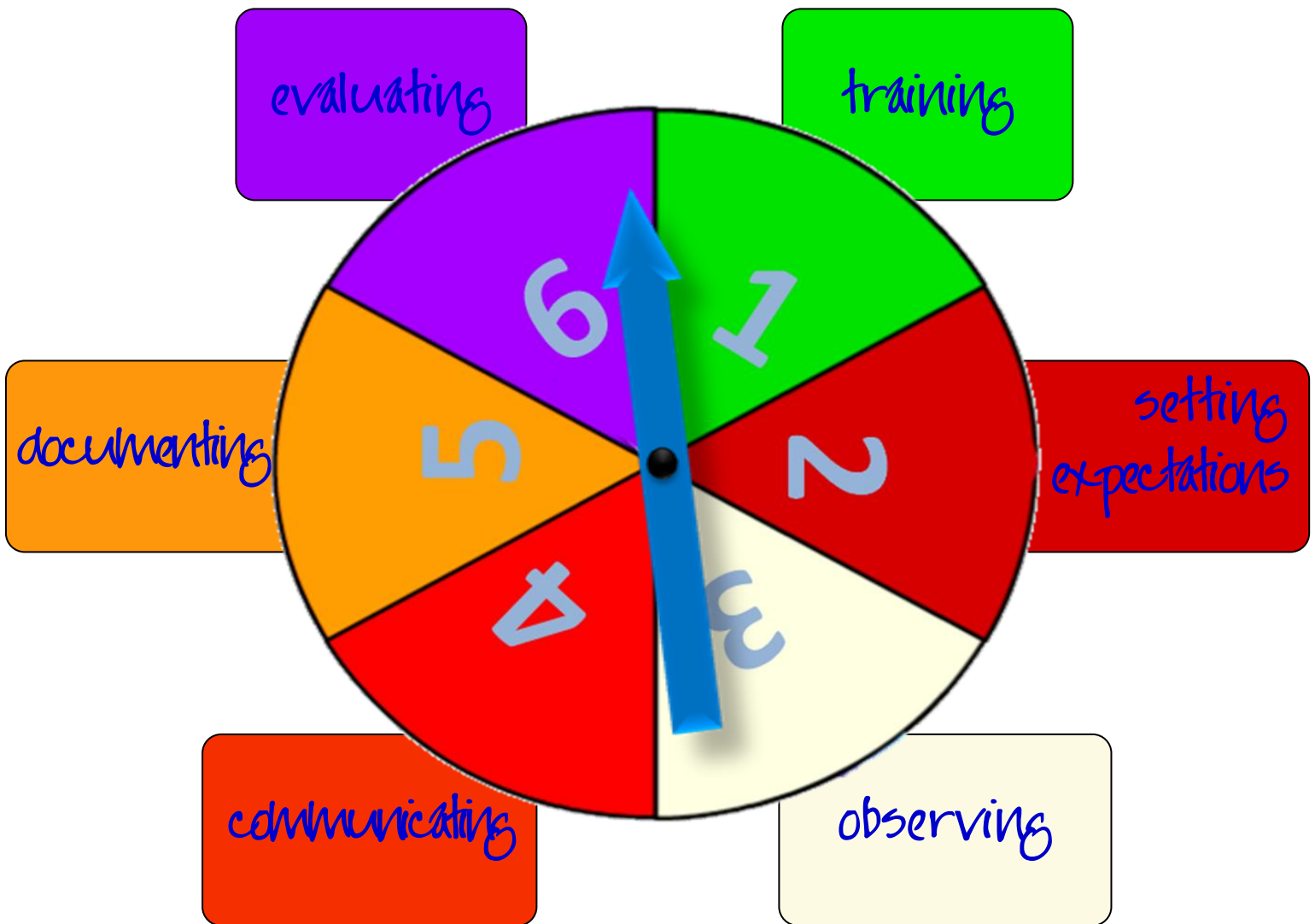
- on the specific tasks the employee will do
- on the hours and days the employee is expected to work
- on the need for advance notice to the when the employee is unable to work the scheduled hours
- on the rate of pay, pay period, and pay days
- on overall expectations related to the employee's job performance
- on conditions when the employee may be released or fired

### Special needs for the employee to know ...

- any of the participant's health issues needing special actions by the employee
- how to correctly use any special equipment that helps with daily activities or maintains the participant's health
- any allergies or special dietary concerns and how the participant would like the employee to deal with them
- whether the participant needs help with self-administering medication
- who to contact in an emergency
- how to get out of the house in an emergency
- the best times for the employer and employee to contact each other and the phone numbers where each can be reached

**What's the most important information for the participant to give the new employee, right off the bat?**

# MAN-AGING WORK



# training

## MAN-AGING WORK

For the participant to succeed as an employer, training is one of the most important parts of managing employees. The participant is the expert in knowing his or her needs for care. Even experienced employees need training in how the participant wants things done.

Training should cover several important areas ...

- personal information that the employee needs to know about the participant's ability to do daily activities
- types of care the participant needs
- steps in carrying out assigned tasks and procedures
- incident management and reporting
- emergency contacts
- documentation and where to find it

### Methods of training ...

There's more than one way to train employees. Some people respond well to oral directions, while others respond better to hands-on demonstrations.

### Documenting training ...

As the Support Broker, let the participant know how important it is to document training. It's pretty simple, covering these points ...

- date
  - name of employee
  - training topics covered

**What areas would be good for oral directions?**

**What areas would be good for hands-on practice?**

When training a new employee, here are methods that the participant can use ...

- Give a lot of examples and explain any technical terms the participant uses.
- Talk about any symptoms or health concerns to be aware of. Include anything that may arise and explain how to handle the situation.
- As the participant goes through a routine, explain why tasks need to be done. This will help the employee realize the importance of these tasks.
- Provide training on how to operate any life support equipment. Describe how to properly handle and clean this equipment or any other medical supplies the participant uses.
- Ask for feedback about how the participant is explaining things. Maybe there is a way to explain things more clearly.
- Stress the importance of documenting tasks and times.

**Learning new things takes time – encourage the participant to be patient during training.**

# setting expectations

## MAN-AGING WORK

Most people want to do a good job – they just need to know what that is. That's why it's important for the participant and employee to be clear on job expectations, right from day one.

*Work schedule* – Help the participant develop a schedule, based on the Plan of Care. The schedule must meet the participant's needs and be absolutely clear. Be sure the participant lists hours per day and days per week. Lay out the schedule on a monthly basis. Give lots of notice about any changes.

*Pay and benefits* – The Start-Up Packet lists how much the participant can pay employees for each service. Use this to help the participant set an hourly wage.

*Specific tasks* – The schedule of tasks for the employee to do depends on two sources of information: (1) the participant's Plan of Care, (2) the employee's job description. Work with the participant to specify daily tasks and a weekly schedule of activities.

*Documenting* – The employee needs to document completed tasks each day. Help the participant make that expectation clear to the employee.

### Broader aspects of expectations ...

Both the participant and the employee will have expectations of each other. Open communication helps clarify these. The participant will want to talk about how issues will be addressed and resolved.

Discussions the employer should have with each employee ...

- what the employer expects from the employee
- what the employee should expect from the employer.

Issues the participant should address with each employee at the start of employment ...

- the participant's approach to dealing with problems or issues
- the criteria for evaluating the employee's performance
- possible reasons for dismissal from the job, such as abuse, neglect, exploitation, unexcused absences, and so on.

### Questions ...

- why is open communication so important to clarifying expectations?
- what can the Support Broker do to help the participant succeed in this area?

## observing performance

Employers almost always observe performance of their employees. And indeed they should. The key to successful management is to observe it factually and objectively.

Encourage participants to track performance and help them come up with good ways to do it. It's not the point for the participant to "nit-pick" at every little thing the employee does. Rather, the point is to gather information so the participant can give good feedback to the employee. And to periodically evaluate the employee's performance.

All the observation in the world is no good unless the manager talks it over with the employee. Too often, managers notice performance but keep it to themselves. In this way, they fail to reward good work and fail to correct poor work.

We'll cover communication in the next section.

### Ways of observing performance ...

- a checklist of tasks, drawn up from the job description. The participant can run down the list and check off those tasks the employee completed, maybe for one day. This is a good way to gather data occasionally and use it to give feedback.
- a review of completed work, such as how well the employee has documented daily tasks.
- a quality review of completed tasks. This takes a bit more work to devise. For example, the task might be "doing dishes and cleaning up the kitchen." The quality review would look things like ...
  - dishes have no visible food stains or scraps
  - silverware is clean and dry
  - dishes and utensils are put away properly
  - pots and pans are clean and dry
  - pots and pans are put away properly
  - cups and glasses are clean and dry
  - cups and glasses are put away properly
  - counters and sink are wiped clean
- feedback from others, such as family members who observe the employee. Make sure the participant asks questions to get thorough and objective information.

**Come up with two areas of job performance that the participant should observe regularly (about once a month).**

# communicating

## MAN-AGING WORK

All the observation in the world is no good unless the manager talks it over with the employee. Regular feedback from the participant to the employee can really help keep things on track for both of them.

It's much easier to provide feedback about good work than about poor work. These tips work for both situations. To be successful, feedback needs to be ...

- immediate – the participant shouldn't wait very long after observing performance. Giving the results of observation within a day is most helpful.
- objective – it doesn't do much good to talk about "attitude" or "initiative" or other abstract terms. The participant should describe *behavior* – what has the employee said or done?
- specific – the participant should avoid general statements, especially ones like "you always" or "you never." Get down to specifics: "Every day last week, you completely cleaned the kitchen counter and put away all the food. Thanks!"
- factual – the participant should not jump to conclusions, just state the facts. Instead of saying, "You've been getting sloppy in documenting daily tasks," get to the facts: "Last week, your documentation of daily tasks was incomplete on Tuesday, Wednesday, and Friday."
- attentive – when giving feedback, the participant needs to listen to the employee. Remember, open communication is key to a good working relationship.

### Helpful tip for the support broker ...

Give your participant some practice at giving feedback. This part of the job is never easy, especially when trying to correct poor work.

Play the role of the employee and coach the participant through a practice conversation. This "role play" can help the participant gain experience and confidence.

Follow up later to see how the real conversation went. Express your support and give some feedback of your own.

### When to communicate ...

- whenever necessary.
- regular feedback can take place at any time, as long as both the participant and the employee have the time to do it. Trying to give feedback when the employee needs to leave and get to a class won't work.
- now and then, an informal review and discussion of the job description can really help. "Now and then" could mean every three months.

### Come up with ways to *start* a conversation ...

- when praising good work
- when correcting poor work

# documenting

## MAN-AGING WORK

### *If it isn't written down, it didn't happen.*

People often say that about documentation, usually when they're talking about managers needing to defend a personnel decision. More importantly, though, it's about *remembering what happened*.

The participant as employer should make notes on employee-related issues, such as ...

- training given to the employee
- review of the job description and job expectations
- feedback given to the employee – if the participant uses checklists or other forms when observing work, these forms are a type of documentation
- information from other people, such as family members, about the employee's work

This type of documentation should include positive events, not just problem areas. It needs to be objective, specific, and factual – just as we discussed with feedback on the previous page.

### Types of documentation ...

What is documentation? Any written record, whether on paper or electronic, about an employee's performance or conduct.

This documentation can take many forms. In any case, it's often helpful for the participant to go over the written information when giving feedback to the employee.

Here are some types of documentation ...

- participant's notes – these are really “memos to self” about observations and conversations. It helps if the participant keeps a journal or notebook – either on paper or electronic – to track things. It's not a constant activity, but it should be a routine one.
- existing information – modern life generates lots of information: e-mails, phone bills, purchase records (especially credit card receipts), shopping lists, and on and on. There's no need to hoard all that. But if some document tells even a little bit of a story about the employee's performance or conduct (good or bad), the participant should keep it and make notes on it.
- personnel records – job description, job application, payroll reports, job evaluations, improvement plans, warning letters, and so on. The participant should keep a separate and secure file on each employee for this information.

Come up with four elements that any entry in the participant's notes should include ...

## evaluating

# MAN-AGING WORK

**It's a good idea for the participant to evaluate each employee's performance at least once a year.**

An evaluation has two parts to it ...

- a written summary or checklist of how well the employee is doing the job. This should be based on the job description. It should draw on information from the observations, notes, feedback, and informal reviews throughout the year.
- a face-to-face meeting between the participant and the employee to go over the written evaluation and discuss it.

**There are two rules to evaluating performance ...**

1. no surprises
2. no surprises

An evaluation is a summary that reviews the past year. Any information in it has already been discussed with the employee.

- If there were any problems that the employee fixed, the evaluation should show that.
- If there are problems that continue, the evaluation should address that.
- If performance has been good in specific areas, the evaluation should praise that.

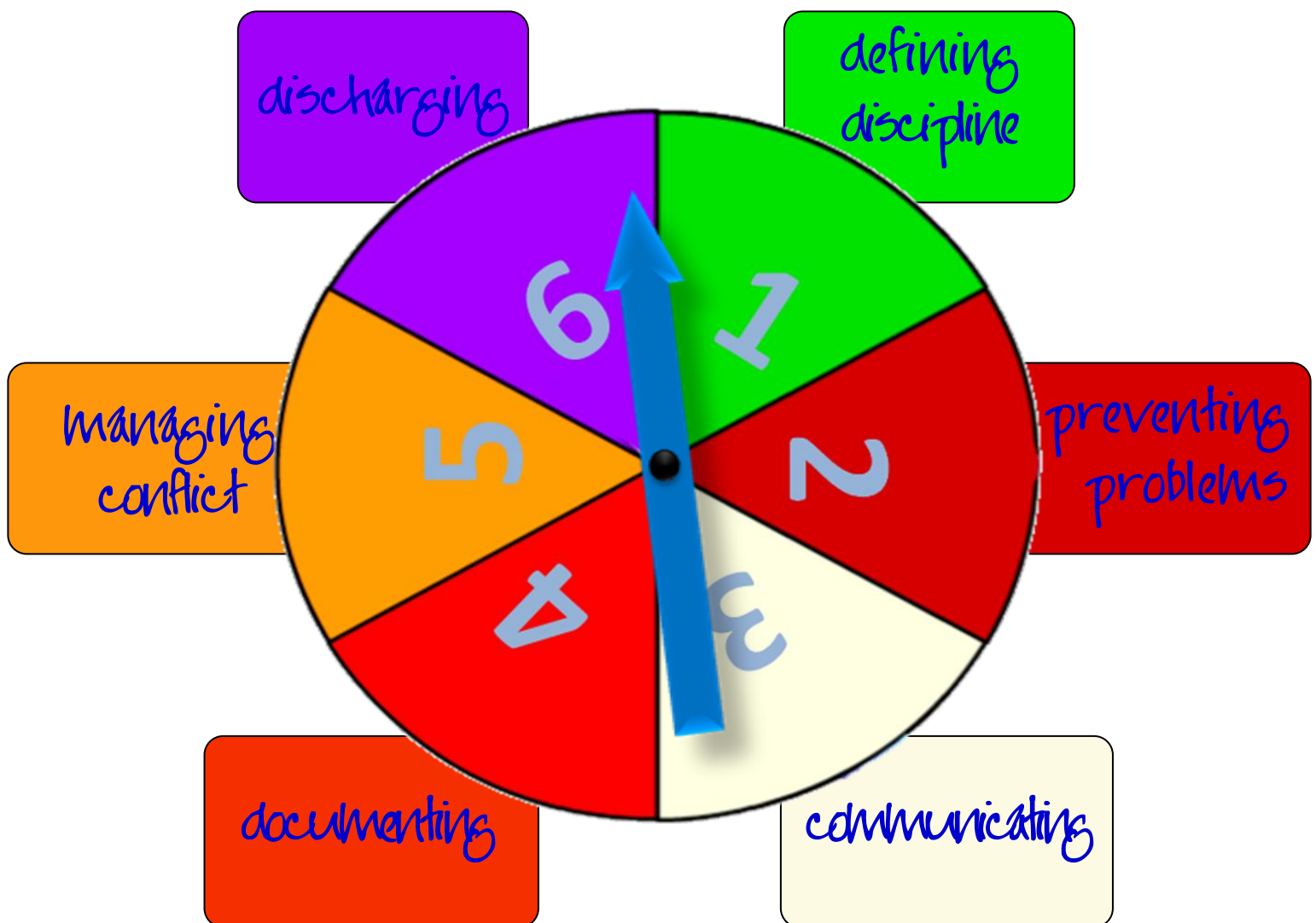
### **Elements of an evaluation and discussion...**

- ratings on specific parts of the job, such as "satisfactory," "needs improvement," and "exceptional"
- written comments that back up those ratings – they don't have to be lengthy, but they should be objective and specific
- discussing goals for the future – while the evaluation focuses on the past, use the opportunity to look ahead
- discussing how the participant is doing as a boss – it's a good chance to check in on how things are going overall

**Make sure the employee gets a signed copy of the evaluation.**

**What can the Support Broker do to help the participant prepare an evaluation?**

# DEALING WITH PROBLEMS



## defining discipline

# DEALING WITH PROBLEMS

### What is discipline?

Most people associate “discipline” with “punishment.” That’s not helpful in the employment relationship.

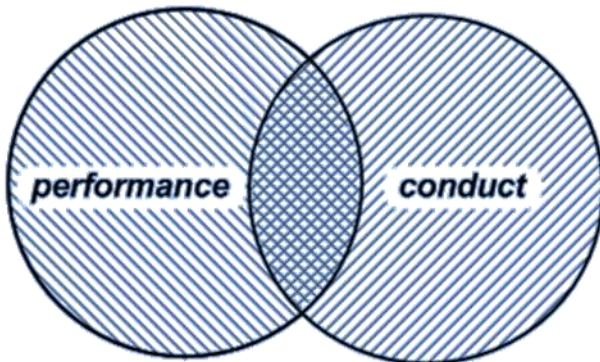
Discipline is a system of communication. In one part, it’s communication about expectations, so people know what to do (and what not to do). In another part, it’s communication about the need to solve a problem – to change behavior to bring it back in line with expectations.

When you get down to basics, employees have two duties to their employers. Take a look at the diagram at left.

One area of duty is **performance** – employees need to do the job they’re paid to do. A lot of this training has focused on managing that – job description, observing performance, feedback, and evaluation.

Another area of duty is **conduct** – employees need to maintain safety, order, and efficiency. That’s where policies and rules come in.

Employers need to communicate expectations in both areas, and sometimes to communicate the need for improvement in both areas. That’s all discipline is.



### aspects of performance

doing the duties and tasks laid out in the job description

this is why the job exists

### aspects of conduct

attendance

safety

honesty

rules about abuse, neglect and exploitation

rules about harassment

respect

... and others

**Whenever taking disciplinary action, what are two important things to remember?**

- be \_\_\_\_\_
- be \_\_\_\_\_

Most communication about the need to correct problems falls within one of the four steps in **progressive discipline** ...

- coaching
- oral warning
- written warning
- discharge

Although discharge may seem harsh, it might be the only reasonable way to correct a problem. It all depends on how many chances the employee has had to correct the problem or how serious the problem is to begin with.

preventing problems

## DEALING WITH PROBLEMS

### prevention / intervention

Effective discipline in employment is as much *prevention* as it is *intervention*. We tend to focus on the intervention – that difficult communication to get an employee to bring behavior back in line.

It's a lot easier to do the prevention. Clear expectations and open communication go a long way toward preventing problems. In addition, the participant's own behavior when interacting with the employee and others sets a powerful example. Do you want that example to be negative? or positive?

When intervening on problem, the participant as manager needs to balance two goals →

It's all too easy to get out of balance – either dealing with a problem too harshly, or soft-peddling it to avoid “being the bad guy.”

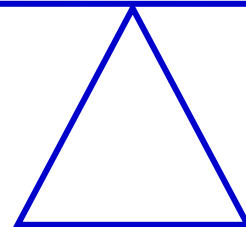
The best way to keep the balance is to think of this word within the triangle – **respect**

**RP**

resolve the  
problem

**PR**

preserve the  
relationship



What are some ways the participant can prevent problems?

## communicating

## DEALING WITH PROBLEMS

One key to intervening on a problem is **preparing**. The participant needs to spend some time getting ready to talk about the issue. You can often help keep the participant focused on these things ...

- what's the expectation? – be prepared to clearly restate the performance or conduct expectation.
- what's the problem? – be objective, describe behavior. Don't use words like "attitude," "lazy," "stubborn," and so on.
- when has it happened? – write down notes about how often, when, and where the employee has done the behavior.
- why is it a problem? – be clear on good reasons why the behavior needs to change. "Because I want you to" isn't a good enough reason. Is it dangerous? costly? disruptive? disrespectful?

### Helpful tips for the support broker ...

Give your participant some practice at discussing a disciplinary problem. This part of the job is never easy.

Play the role of the employee and coach the participant through the discussion. This "role play" can help the participant gain experience and confidence.

It can also be very helpful for you to be there when the participant meets with the employee. As a third party, you can support the participant and help keep the meeting from going badly.

When intervening to resolve a problem, the communication is never easy. The employee might deny there's a problem, or get angry or defensive. He or she might even cry.

The first key is to **stay on track**. The participant has to stick to talking about the problem and why it needs to change. He or she can't get caught up in an emotional exchange – a shouting match or a crying jag. If it looks like it's going to go there, it's best to stop the discussion and take it up later.

The second key is to **keep the employee responsible for fixing the problem**. It is, after all, the employee's problem. It's easy to tell someone what to do, but that removes accountability. The participant should make sure the employee describes what he or she will do differently to fix the problem.

The disciplinary action might be more serious than *coaching or oral warning*. Maybe a *written warning* is necessary. This needs to be prepared carefully well before meeting with the employee. It's a good idea for both of you to get help from the Case Manager, even the Developmental Disabilities Program.

When meeting with the employee, the participant needs to go over the letter, word by word. The employee gets the opportunity to sign the letter, but doesn't have to. One copy goes to the employee, one copy goes into the employee's file.

**What can the Support Broker do to help the participant prepare for a disciplinary meeting?**

## documenting

# DEALING WITH PROBLEMS

***If it isn't written down, it didn't happen.***

People often say that about documentation, usually when they're talking about managers needing to defend a personnel decision. More importantly, though, it's about *remembering what happened*.

**We covered lots of information on documentation on page 23. There's not much to add here, except these tips ...**

- the participant should draw upon all available documentation to prepare for a disciplinary meeting
- the participant should make some notes to refer to during the meeting
- after the meeting, the participant should make some notes about how it went and what the result was – that is, what did the employee agree to do?
- the participant might follow up *coaching* or *oral warning* with a brief memo to the employee – summarize the discussion and what the employee agreed to do.
- more formal documentation, such as a *written warning* or letter of *discharge* needs copies in the employee's file for long-term retention.

**Remember, all documentation needs to be ...**

- objective
- specific
- factual
- direct and clear

## dealing with conflict

## DEALING WITH PROBLEMS

Conflict is a normal part of life – and work.

Conflict is bad when it festers and grows because people avoid dealing with it.

Conflict is good when it brings information into the open and results in constructive discussion.

The conflict might involve the employee's performance or conduct, such as inadequate work or attendance problems.

We've covered a lot of ways for the participant to manage performance and intervene on problems.

Sometimes, though, conflict arises because of other clashes between goals and concerns ...

- differing views on the nature of the working relationship and how to deal with it
- disputes on facts and figures, such as hours worked or pay
- differences in personality and how each interacts with other people
- even on whether to have the window open or closed – you get the picture

**Conflict occurs when two people in a necessary relationship have goals or concerns that seem incompatible.**

- the participant and employee are in a *necessary relationship* – they have to work with each other
- *goals or concerns* are things that are important to the people, maybe even down to basic values
- the goals or concerns *seem incompatible* – they might really *be* incompatible, but sometimes it's just a perceived difference because of differences in personality or communication

**Think of a conflict you were in that resulted in satisfactory agreement ...**

- how did you reach that agreement?
- how might you coach your participant to achieve a similar agreement, if possible?

**Some tips for the participant in resolving conflict...**

- Keep the lines of communication open. When a conflict arises, don't shut down. Listen carefully. Try to find out the real reason behind the conflict. The problem will not go away by ignoring it.
- Bring in a third person to help settle the conflict. A mediator, who is objective and neutral about the situation, can often find a resolution that both parties can live with. This can be a useful role for the Support Broker or Case Manager.
- Refer to the employee's written agreement for resolution. A written agreement helps prevent or clear up disputes about duties, salary, time off, and benefits. This is another good reason to have a complete clearly written agreement between the participant and the employee.
- Look for compromise in genuine differences of opinion.

## discharging

# DEALING WITH PROBLEMS

Sometimes, things don't work out the way we want them to.

If all else fails, the participant must take on the responsibility of discharging the employee. It may be due to failure to follow safety procedures, chronic lateness, inability to follow directions, or personality conflicts, or dishonest. Whatever the reason, it's never easy to do.

**The participant must notify the fiscal agent whenever**

- the participant fires an employee
- an employee voluntarily stops working for the participant

### Tips for the Support Broker ...

- make sure the participant has sound reasons for firing the employee. These must relate to
  - failing to do the work satisfactorily (performance issues)
  - disrupting the work relationship (conduct issues)
  - other legitimate business reason (usually economic issues)
- make sure the discharge isn't based on a legally protected class, such as age, race, religion, or disability (discrimination, see page 4).
- make sure the discharge isn't retaliation for opposing or reporting discrimination.

### Tips for the participant when discharging an employee ...

- Do it face-to-face. It may be necessary to do it over the phone, especially if there are safety issues.
- The participant may want to have third party (you, the case manager, or family member) present when the participant discharges an employee.
- Don't drag it out. Be direct and come straight to the point.
- Some ways to communicate the discharge: "I am sorry, but I do not feel you are appropriate for this job," "You are not fulfilling your job obligations," or "I won't need your services anymore."
- Be sure to have the employee sign his or her current timesheet before leaving. Submit the timesheet to the fiscal agent with discharge information. When the participant discharges an employee, the fiscal agent must process the last paycheck within a certain number of days under state law.
- Have a list of property that the employee holds – key to the residence, credit card, ATM card, or anything else belonging to the participant. Make sure you get it back before the employee leaves.
- Watch what the employee says to others about the situation, especially to other employees. It is best to maintain confidentiality related to employee issues.
- Analyze what went wrong to avoid similar situations in the future with other employees. Be proactive when similar situations occur with others.

A logo consisting of the word "SUCCESS!" in a bold, white, sans-serif font, centered within an orange rounded rectangle with a grey border.

# Thank you!

We hope you enjoyed The Game of Work.

We also hope you feel more prepared for the important job of Support Broker. There's more to do, of course, and you'll need to refresh yourself on a lot of this information from time to time. This booklet should be helpful to do that.

Here's another part of SUCCESS! – How well you do the job of Support Broker will make a big difference in the overall success of the program: Self-Direct with Employer Authority. Work hard, and be sure to ask for more information when you have questions.

